

STATEMENT OF PROCEEDINGS
FOR THE SPECIAL MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON

WEDNESDAY, SEPTEMBER 2, 2009, AT 11:00 AM

Present: Rocky Armfield, John Krattli and John Naimo

The following items were presented to the Claims Board for consideration and the Claims Board took actions as indicated in bold.

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).

- a. Theresa Beck v. County of Los Angeles
Los Angeles Superior Court Case No. BC 385 489

This lawsuit concerns allegations that an employee of the Probation Department was subjected to disability discrimination and failure to reasonably accommodate.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

- b. Darren Hamilton v. County of Los Angeles
Los Angeles Superior Court Case No. BC 366 195

This lawsuit seeks compensation for injuries received by an inmate while in the custody of the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$77,500.

Absent: None

Vote: Unanimously carried

See Supporting Documents

- c. Rafael Martinez, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. TC 020 608

This lawsuit seeks compensation for injuries received in an automobile accident involving an employee of the Sheriff's Department.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

See Supporting Documents

- d. Sandra Isabel Amezola-Briceno v. County of Los Angeles
Los Angeles Superior Court Case No. BC 384 789

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to sexual harassment.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Darren Hamilton
CASE NUMBER	BC366195
COURT	Los Angeles Superior Court
DATE FILED	2/13/2007
COUNTY DEPARTMENT	Sheriff
PROPOSED SETTLEMENT AMOUNT	\$ 77,500
ATTORNEY FOR PLAINTIFF	Moreno & Perez
COUNTY COUNSEL ATTORNEY	Gordon W. Trask
NATURE OF CASE	<p>Plaintiff, who was an inmate in the Los Angeles County jail system, alleges that Sheriff Deputies failed to protect him as he was attacked by other inmates resulting in a serious injury to his eye.</p> <p>The Sheriff's Department contends that it did not have any notice that the Plaintiff was going to be injured, and took immediate action when the incident occurred.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final</p>

settlement of the case in the amount of \$77,500 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	73,328.69
PAID COSTS, TO DATE	\$	2,607.14



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	<u>Darren Hamilton v. County of Los Angeles</u> (Summary Corrective Action Plan #2009-015) Tuesday, February 7, 2006; 10:30 p.m.
Briefly provide a description of the incident/event:	On Tuesday, February 7, 2006, the plaintiff was an inmate in the custody of the Los Angeles County Sheriff's Department. At approximately 10:30 p.m., he was incarcerated in the Los Angeles County Men's Central Jail, Module 3200, "A" Row, Cell #8, when he became involved in an altercation with other inmates in his jail cell.

1. Briefly describe the root cause of the claim/lawsuit:

A public entity is responsible for the intentional and negligent acts of its employees when the acts are committed in the course and scope of their employment.

On January 25, 2006, the plaintiff was taken into custody by officers from the Long Beach Police Department. He was subsequently transferred to the custody of the Los Angeles County Sheriff's Department. On January 29, 2006, the plaintiff was appropriately classified consistent with existing classification protocols and housed in the Los Angeles County Men's Central Jail, Module 3200, "A" Row, Cell #8.

On February 7, 2006, the plaintiff became involved in an altercation with other inmates in his jail cell. The plaintiff alleged that as a result of the altercation, he received an injury to his left eye resulting in blindness. (It should be noted that a review of official records revealed that the plaintiff refused to articulate how the injury occurred.)

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate.)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum sufficiently addresses the circumstances which occurred in this incident.

The Los Angeles County Sheriff's Department's review of this incident revealed no employee misconduct on the part of Department personnel.

County of Los Angeles
Summary Corrective Action Plan

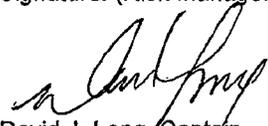
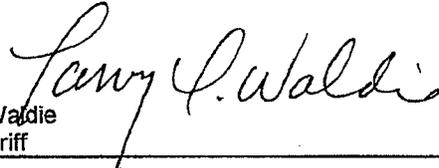
The Los Angeles County Sheriff's Department uses a nationally-recognized system for classifying and housing inmates. The classification system has been modified.

No admission of guilt or wrongdoing is made or implied. A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which *may* exceed the recommended settlement amount.

This summary corrective action plan has no Countywide implications (refer to #3 below).

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 8-5-09
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 08-07-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Martinez, Rafael, et al. v. County of Los Angeles.
CASE NUMBER	TC020608
COURT	Los Angeles Superior Court
DATE FILED	July 10, 2007
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$220,000
ATTORNEY FOR PLAINTIFF	John Carpenter, Esq.
COUNTY COUNSEL ATTORNEY	Harold G. Becks, Esq.; Harold G. Becks & Associates
NATURE OF CASE	Two Sheriff's Deputies in a marked patrol unit were responding without emergency lights and siren to a Sheriff-related shooting. They were traveling between 57 and 63 miles per hour. Mr. Martinez and his passenger, Analicia Hurtado entered the intersection at 117 th street proceeding east. As the Sheriff's Deputies approached the intersection northbound on Figueroa, they observed Mr. Martinez roll his vehicle through the stop sign and accelerate through the intersection. The Deputy swerved right, but was unable to avoid the collision. As a result of the collision, the patrol unit overturned and came to rest in an adjacent MTA parking lot. Mr. Martinez' vehicle spun counter clockwise and came to rest against a 105 freeway overpass pillar.

This is a case of disputed liability. The Sheriff Deputy was driving between 57 and 63 miles per hour without lights and siren through a residential area at 9:20 p.m. The posted speed limit is 35 miles per hour. Plaintiffs will argue that the Deputies were reckless in responding to a call to assist a fellow officer. A jury may conclude that the Deputy's conduct vitiates our arguments against the plaintiff and award damages accordingly.

PAID ATTORNEY FEES, TO DATE	\$214,946.94
PAID COSTS, TO DATE	\$95,770.76

Summary Corrective Action Plan



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	<p><u>Rafael Martinez v. County of Los Angeles</u> (Summary Corrective Action Plan #2009-014CR)</p> <p>Wednesday, May 10, 2006; 9:20 p.m.</p>
Briefly provide a description of the incident/event:	<p>On Wednesday, May 10, 2006, at approximately 9:20 p.m., an on-duty Los Angeles County deputy sheriff was driving a standard black and white patrol vehicle north on Figueroa Street in response to radio call of another deputy sheriff involved in a shooting. As the deputy entered the intersection of Figueroa Street and 117th Street, Los Angeles, the vehicle he was driving collided with the plaintiff's vehicle.</p>

1. Briefly describe the root cause of the claim/lawsuit:

A public entity is responsible for the negligent acts of its employees when the acts are committed in the course and scope of employment.

As a result of this traffic collision, the plaintiffs (a 68-year-old man and his passenger, a 57-year-old woman) allege they sustained soft tissue injury as well as ongoing neurological and orthopedic complaints to various parts of their bodies including their arms, legs, neck, back and head. Each received lumbar, thoracic, and cervical outpatient discectomy surgeries and chiropractic treatment. The woman also alleges depression, brain injury, memory, and hearing loss. The plaintiffs' orthopedist has recommended further orthopedic procedures with a neurologic surgeon.

The plaintiff's vehicle (2003 Chevrolet Malibu, California License Number 5ALV633) was declared a total loss.

The driver of the patrol vehicle, as well as his passenger, received treatment at a local hospital and were subsequently released.

The patrol vehicle (2001 Ford Crown Victoria, California License Number E1113505) operated by the deputy sheriff was declared a total loss.

County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had adequate policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's current training curriculum addresses the circumstances which occurred in this incident.

This traffic collision was thoroughly investigated by an officer from the Los Angeles Police Department. The officer concluded that the primary collision factor in this traffic collision was the plaintiff's violation of California Vehicle Code section 21802(a), Stop Signs: Intersections.

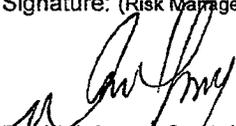
The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.

A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which *may* exceed the recommended settlement amount.

This summary corrective action plan has no countywide implications (refer to #3 below).

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 7-30-09
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 08-07-09